

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 3, “Pharmacy Technicians,” and Chapter 5, “Pharmacy Support Persons,” Iowa Administrative Code.

The amendments were approved at the June 1, 2010, regular meeting of the Board of Pharmacy.

The proposed amendments define “uncertified pharmacy technician” and amend the definition of “pharmacy technician” to include pharmacy technician trainee, certified pharmacy technician, and uncertified pharmacy technician. Pursuant to 2010 Iowa Acts, House File 2531, section 112, the proposed amendments establish requirements for extension of the deadline for national certification to December 31, 2013, for a pharmacy technician who was registered prior to January 1, 2010, and who worked as a pharmacy technician for a minimum 2,000 hours during the 18-month period prior to registration and who continues to work a minimum 2,000 hours during any 18-month period. The proposed amendments specify and clarify the technical functions that may be delegated to each of the pharmacy technician classifications, including certified pharmacy technician, pharmacy technician trainee, and uncertified pharmacy technician. References to pharmacy technicians or to specific classifications of pharmacy technicians throughout the chapters have been clarified, and outdated language and information regarding national certification and registrations issued prior to July 1, 2010, are eliminated. The proposed amendments modify the definition of “pharmacy technician” in Chapter 5 to comply with the amended definition in Chapter 3.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on July 20, 2010. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to terry.witkowski@iowa.gov.

These amendments are intended to implement Iowa Code section 155A.6A as amended by 2010 Iowa Acts, House File 2531, section 112.

The following amendments are proposed.

ITEM 1. Amend rule **657—3.1(155A)**, definition of “Pharmacy technician,” as follows:

“Pharmacy technician” or “technician” means a person who is employed in Iowa by a licensed pharmacy under the responsibility of an Iowa-licensed pharmacist to assist in the technical functions of the practice of pharmacy, as provided in rules 657—3.22(155A) through 657—3.24(155A), and includes a certified pharmacy technician, a pharmacy technician trainee, and an uncertified pharmacy technician.

ITEM 2. Adopt the following **new** definition of “Uncertified pharmacy technician” in rule **657—3.1(155A)**:

“Uncertified pharmacy technician” or “uncertified technician” means a pharmacy technician who has not attained national certification and who qualifies for the time extension to attain national certification as provided in rule 657—3.6(155A).

ITEM 3. Amend rule 657—3.2(155A) as follows:

657—3.2(155A) Purpose of registration. A registration program for pharmacy technicians is established for the purposes of determining the competency of a pharmacy technician or of an applicant for registration as a ~~pharmacy technician~~, a certified pharmacy technician, or a pharmacy technician trainee, or uncertified pharmacy technician and for the purposes of identification, tracking, and disciplinary action for violations of federal or state pharmacy or drug laws or regulations.

ITEM 4. Amend rule 657—3.3(155A) as follows:

657—3.3(155A) Registration required. Any person employed in Iowa as a pharmacy technician, except a pharmacist-intern whose pharmacist-intern registration is in good standing with the board, shall obtain and maintain during such employment a current registration as a ~~pharmacy technician~~, certified pharmacy technician, or pharmacy technician trainee, or uncertified pharmacy technician pursuant to these rules. An individual accepting employment as a pharmacy technician or technician trainee in Iowa who fails to register as a ~~pharmacy technician~~, certified pharmacy technician, or technician trainee, or uncertified technician as provided by these rules may be subject to disciplinary sanctions.

3.3(1) Licensed health care provider. Except as provided in this rule, a licensed health care provider whose registration or license is in good standing with and not subject to current disciplinary sanctions or practice restrictions imposed by the licensee's professional licensing board and who assists in the technical functions of the practice of pharmacy shall be required to register as a ~~pharmacy technician~~, certified pharmacy technician, or technician trainee, or uncertified technician pursuant to these rules.

3.3(2) Original application required. Any person not currently registered with the board as a pharmacy technician or ~~certified technician~~ shall complete an the appropriate application for registration within 30 days of accepting employment in an Iowa pharmacy as a pharmacy technician. Such application shall be received in the board office before the expiration of this 30-day period.

3.3(3) No change.

3.3(4) Registration number. Each pharmacy technician, ~~certified technician~~, and technician trainee registered with the board will be assigned a unique registration number.

ITEM 5. Amend rule 657—3.5(155A) as follows:

657—3.5(155A) Certification of pharmacy technicians. ~~Prior to July 1, 2010, the certification and recertification of pharmacy technicians shall be voluntary and not mandatory. Beginning~~ Except as provided in rule 657—3.6(155A) or subrule 3.5(3), effective July 1, 2010, ~~the certification of all~~ pharmacy technicians shall be required to be nationally certified as provided by this rule. National certification does not ~~supplant~~ replace the need for licensed pharmacist control over the performance of delegated functions, nor does national certification exempt the pharmacy technician from registration pursuant to these rules.

3.5(1) ~~Voluntary certification~~ Certification prior to July 1, 2010. An individual who holds a valid current national certification from the Institute for the Certification of Pharmacy Technicians (ICPT) or the Pharmacy Technician Certification Board (PTCB) and who acquired such certification prior to July 1, 2010, shall be deemed to have met the requirement for national certification beginning July 1, 2010, provided the certification is maintained in current standing.

3.5(2) Required certification effective July 1, 2010. Beginning July 1, 2010, a ~~pharmacy technician~~ shall ~~acquire~~ national certification acquired through successful completion of any NCCA-accredited pharmacy technician certification program and examination, ~~the successful completion of which~~ fulfills the requirement for national certification.

3.5(3) Pharmacy technician trainee. ~~Beginning~~ Except as provided in rule 657—3.6(155A), effective July 1, 2009, a person who is in the process of acquiring national certification as a pharmacy technician shall register with the board as a pharmacy technician trainee. The registration shall be issued for a period of one year and shall not be renewed.

3.5(4) *Certified pharmacy technician.* Beginning July 1, 2010, all applicants for a new pharmacy technician registration, except as provided by subrule 3.5(3), and all applicants for renewal of a pharmacy technician registration except as provided in rule 657—3.6(155A), shall provide proof of current national pharmacy technician certification and shall complete the application for certified pharmacy technician registration.

ITEM 6. Adopt the following new rule 657—3.6(155A):

657—3.6(155A) Extension of deadline for national certification. A pharmacy technician who meets all of the criteria identified in this rule shall not be required to acquire national certification prior to December 31, 2013. The pharmacy technician shall register with the board as an uncertified pharmacy technician and shall maintain that registration during all periods of employment as a pharmacy technician. To qualify for this extension, the uncertified pharmacy technician shall meet all of the following criteria:

3.6(1) The pharmacy technician shall have registered as a pharmacy technician prior to January 1, 2010;

3.6(2) The pharmacy technician shall have worked as a pharmacy technician for at least 2,000 hours in the 18-month period immediately before submission of the application for renewal of the pharmacy technician's registration as evidenced by one or more affidavits as provided in paragraph 3.8(5) "d"; and

3.6(3) The pharmacy technician shall continue to work as a pharmacy technician for at least 2,000 hours during any 18-month period between January 1, 2010, and December 31, 2013, or until the pharmacy technician attains national certification.

ITEM 7. Amend rule 657—3.8(155A) as follows:

657—3.8(155A) Application form.

3.8(1) *Required information.* The application for a ~~pharmacy technician registration~~, certified pharmacy technician registration, or pharmacy technician trainee registration, or uncertified pharmacy technician registration shall include the following:

a. to e. No change.

3.8(2) to 3.8(4) No change.

3.8(5) *Additional information.* The following additional information shall be required from an applicant for the specified registration.

a. and b. No change.

c. Licensed health care provider. In addition to the additional information required by paragraph "~~a~~" or "~~b~~" "*a*," "*b*" or "*d*" as applicable, a licensed health care provider shall provide evidence that the licensee's professional license or registration is current and in good standing and is not subject to current disciplinary sanctions or practice restrictions imposed by the licensee's professional licensing authority.

d. Uncertified pharmacy technician. The applicant for uncertified pharmacy technician registration shall submit with the application for registration renewal one or more affidavits signed by the pharmacists in charge of one or more Iowa pharmacies where the applicant practiced as a pharmacy technician during the 18 months prior to submission of the application for registration. Affidavits shall be on a form provided by the board office.

3.8(6) No change.

ITEM 8. Amend rule 657—3.9(155A) as follows:

657—3.9(155A) Registration term and renewal. ~~Prior to July 1, 2008, a pharmacy A pharmacy technician registration shall expire on the second last day of the birth month following initial registration, with the exception that a new pharmacy technician registration issued within the two months immediately preceding the applicant's birth month shall expire on the third last day of the birth month following initial registration. A pharmacy technician registration issued between July 1, 2008, and July 1, 2009, except as provided in subrule 3.9(1), shall expire no later than June 30, 2010 as~~

provided in this rule for the specified registration. ~~Registration~~ The board shall not require continuing education for renewal of a pharmacy technician registration.

3.9(1) and 3.9(2) No change.

3.9(3) *Uncertified pharmacy technician registration.* Beginning June 1, 2010, a registration for a pharmacy technician who qualifies for the time extension for certification as provided by rule 657—3.6(155A) shall expire the second last day of the birth month following the latest scheduled registration renewal. In no case shall a registration for an uncertified pharmacy technician expire later than December 31, 2013, unless the pharmacy technician attains national certification as provided in subrule 3.5(2) and is reclassified as a certified pharmacy technician.

ITEM 9. Amend rule 657—3.10(155A) as follows:

657—3.10(155A) Registration fee. The following fees for initial registration and registration renewal shall apply to the specified registration applications filed within the following time frames. The appropriate fee shall be submitted with the registration application in the form of a personal check, certified check or cashier's check, or a money order payable to the Iowa Board of Pharmacy.

3.10(1) *Registration prior to July 1, 2009.* The fee for obtaining an initial technician registration, for obtaining an initial certified pharmacy technician registration, or for renewal of a technician or certified technician registration prior to July 1, 2009, shall be \$40 plus applicable surcharge pursuant to rule 657—30.8(155A).

3.10(2) 3.10(1) *Registration beginning July 1, 2009 Certified or uncertified pharmacy technician registration.* The fee for obtaining an initial certified pharmacy technician registration or for biennial renewal of a certified pharmacy technician registration ~~beginning July 1, 2009, or an~~ uncertified pharmacy technician registration shall be \$50 plus applicable surcharge pursuant to rule 657—30.8(155A).

3.10(3) 3.10(2) *Technician trainee registration beginning July 1, 2009.* The fee for a one-year pharmacy technician trainee registration shall be \$20 plus applicable surcharge pursuant to rule 657—30.8(155A).

ITEM 10. Amend rule 657—3.12(155A) as follows:

657—3.12(155A) Registration certificates. The certificate of technician registration issued by the board to a ~~pharmacy technician, certified pharmacy technician, or pharmacy technician trainee, or~~ uncertified pharmacy technician is the property of and shall be maintained by the registered technician. The certificate or a copy of the certificate shall be maintained in each pharmacy where the pharmacy technician, ~~certified pharmacy technician, or pharmacy technician trainee~~ works. Each pharmacy utilizing pharmacy technicians shall be responsible for verifying that all pharmacy technicians, certified technicians, and technician trainees working in the pharmacy are registered; and that technician registrations remain current and active.

ITEM 11. Amend rule 657—3.13(155A) as follows:

657—3.13(155A) Notifications to the board. A pharmacy technician, ~~certified pharmacy technician, or technician trainee~~ shall report to the board within ten days a change of the technician's name, address, or pharmacy employment status.

ITEM 12. Amend subrule 3.18(2) as follows:

3.18(2) *Misrepresentation prohibited.* A pharmacy technician shall not represent himself or herself in any manner as a pharmacist or pharmacist-intern. A pharmacy technician shall not represent himself or herself in any manner as a certified pharmacy technician unless the technician has attained national pharmacy technician certification. ~~A technician trainee shall not represent himself or herself in any manner as a certified pharmacy technician, as a pharmacist-intern, or as a pharmacist.~~

ITEM 13. Amend rule 657—3.20(155A) as follows:

657—3.20(155A) Responsibility of supervising pharmacist. The ultimate responsibility for the actions of a pharmacy technician, ~~a certified pharmacy technician, or a pharmacy technician trainee~~ shall remain with the supervising pharmacist.

ITEM 14. Amend rule 657—3.22(155A) as follows:

657—3.22(155A) Technical functions. At the discretion of the supervising pharmacist, the following technical functions which may be delegated to a pharmacy technician, a certified pharmacy technician, or a pharmacy technician trainee include, but are not limited to, as specified in the following: subrules.

3.22(1) Certified pharmacy technician. Under the supervision of a pharmacist, a certified pharmacy technician may perform technical functions delegated by the supervising pharmacist including, but not limited to, the following:

- a. 1. ~~Performing~~ Perform packaging, manipulative, or repetitive tasks relating to the processing of a prescription or medication order in a licensed pharmacy.
- b. 2. ~~Accepting~~ Accept prescription refill authorizations communicated to a pharmacy by a prescriber or by the prescriber's office.
- c. 3. ~~Contacting~~ Contact prescribers to obtain prescription refill authorizations.
- d. 4. ~~Processing~~ Process pertinent patient information, including information regarding allergies and disease state.
- e. 5. ~~Entering~~ Enter prescription and patient information into the pharmacy computer system.
- f. 6. ~~Inspecting~~ Inspect drug supplies provided and controlled by an Iowa-licensed pharmacy but located or maintained outside the pharmacy department, including but not limited to drug supplies maintained in an ambulance or other emergency medical service vehicle, a long-term care facility, a hospital patient care unit, or a hospice facility.
- g. 7. ~~Affixing~~ Affix required prescription labels upon any container of drugs sold or dispensed pursuant to the prescription of an authorized prescriber.
- h. 8. ~~Prepackaging~~ Prepackage or ~~labeling~~ label multidose and single-dose packages of drugs, including dose picks for unit dose cart or AMDS fills for hospital or long-term care facility patients.
- i. Perform drug compounding processes for nonsterile compounding as provided in 657—Chapter 20.
- j. Perform drug compounding processes for sterile compounding as provided in 657—Chapter 13.
- k. As provided in rule 657—3.24(155A), accept new prescription drug orders or medication orders communicated to the pharmacy by a prescriber or by the prescriber's agent.

3.22(2) Pharmacy technician trainee. Under the supervision of a pharmacist, a pharmacy technician trainee may perform only the following technical functions delegated by the supervising pharmacist:

- a. Perform packaging, manipulative, or repetitive tasks relating to the processing of a prescription or medication order in a licensed pharmacy.
- b. Accept prescription refill authorizations communicated to a pharmacy by a prescriber or by the prescriber's office.
- c. Contact prescribers to obtain prescription refill authorizations.
- d. Process pertinent patient information, including information regarding allergies and disease state.
- e. Enter prescription and patient information into the pharmacy computer system.
- f. Affix required prescription labels upon any container of drugs sold or dispensed pursuant to the prescription of an authorized prescriber.
- g. Under the continuous and direct supervision of a pharmacist who monitors, reviews, and verifies the accuracy of each step in the compounding process prior to commencement of the next step, perform drug compounding processes for nonsterile compounding as provided in 657—Chapter 20.
- h. Under the continuous and direct supervision of a pharmacist who monitors, reviews, and verifies the accuracy of each step in the compounding process prior to commencement of the next step, and

following successful completion of the appropriate media fill testing process, perform drug compounding processes for sterile compounding as provided in 657—Chapter 13.

3.22(3) *Uncertified pharmacy technician.* Under the supervision of a pharmacist, an uncertified pharmacy technician may perform technical functions delegated by the supervising pharmacist limited to the following:

- a.* Select the appropriate stock supply of a prescription drug from the pharmacy drug supply shelves to process a prescription drug order.
- b.* Count dosage forms of prescription drugs into appropriate prescription vials or containers pursuant to prescription drug orders. Uncertified pharmacy technicians shall not prepackage or label multidose and single-dose packages of drugs, including dose picks for unit dose cart or AMDS fills for hospital or long-term care facility patients.
- c.* Affix required prescription labels upon any container of drugs sold or dispensed pursuant to the prescription of an authorized prescriber.
- d.* Return or place stock supplies of prescription drugs in the appropriate locations on the pharmacy drug supply shelves.

ITEM 15. Amend rule 657—3.23(155A) as follows:

657—3.23(155A) Tasks a pharmacy technician shall not perform. A pharmacy technician, ~~a certified pharmacy technician, or a pharmacy technician trainee~~ shall not be authorized to perform any of the following judgmental tasks:

1. to 6. No change.

ITEM 16. Amend rule 657—3.24(155A) as follows:

657—3.24(155A) New prescription drug orders or medication orders. At the discretion of the supervising pharmacist, ~~a pharmacy technician or~~ a certified pharmacy technician may be allowed to accept new prescription drug orders or medication orders communicated to the pharmacy by a prescriber or by the prescriber's agent if the ~~pharmacy technician or~~ certified pharmacy technician has received appropriate training pursuant to the pharmacy's policies and procedures. The supervising pharmacist shall remain responsible for ensuring the accuracy, validity, and completeness of the information received by the ~~pharmacy technician or~~ certified pharmacy technician. The pharmacist shall contact the prescriber to resolve any questions, inconsistencies, or other issues relating to the information received by the ~~pharmacy technician or~~ certified pharmacy technician that involve a pharmacist's professional judgment.

ITEM 17. Amend rule 657—3.28(147,155A) as follows:

657—3.28(147,155A) Unethical conduct or practice. Violation by a pharmacy technician, ~~certified pharmacy technician, or pharmacy technician trainee~~ of any of the provisions of this rule shall constitute unethical conduct or practice and may be grounds for disciplinary action as provided in rule 657—3.30(155A).

3.28(1) *Misrepresentative deeds.* A pharmacy technician, ~~certified technician, or technician trainee~~ shall not make any statement tending to deceive, misrepresent, or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of a pharmacy.

3.28(2) *Confidentiality.* In the absence of express written authorization from the patient or written order or direction of a court, except where the best interests of the patient require, a pharmacy technician, ~~certified technician, or technician trainee~~ shall not divulge or reveal to any person other than the patient or the patient's authorized representative, the prescriber or other licensed practitioner then caring for the patient, a licensed pharmacist, a person duly authorized by law to receive such information, or as otherwise provided in rule 657—8.16(124,155A), any of the following:

- a.* to *d.* No change.

3.28(3) No change.

3.28(4) Unethical conduct or behavior. A pharmacy technician, ~~certified technician, or technician trainee~~ shall not exhibit unethical behavior in connection with the technician's pharmacy employment. Unethical behavior shall include, but is not limited to, the following acts: verbal or physical abuse, coercion, intimidation, harassment, sexual advances, threats, degradation of character, indecent or obscene conduct, and theft.

ITEM 18. Amend rule 657—3.29(155A) as follows:

657—3.29(155A) Denial of registration. The executive director or designee may deny an application for registration as a ~~pharmacy technician, certified pharmacy technician, or pharmacy technician trainee,~~ or uncertified pharmacy technician for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, 124A, 124B, 126, 147, 155A, or 205 or any rule of the board.

An individual whose application for registration as a ~~pharmacy technician, certified pharmacy technician, or pharmacy technician trainee,~~ or uncertified pharmacy technician is denied pursuant to this rule may, within 30 days after issuance of the notice of denial, appeal to the board for reconsideration of the application.

ITEM 19. Amend subrule 3.30(2) as follows:

3.30(2) Sanctions. The board may impose the following disciplinary sanctions:

a. Revocation of a ~~pharmacy technician, certified pharmacy technician, or pharmacy technician trainee,~~ or uncertified pharmacy technician registration.

b. Suspension of a ~~pharmacy technician, certified pharmacy technician, or pharmacy technician trainee,~~ or uncertified pharmacy technician registration until further order of the board or for a specified period.

c. Nonrenewal of a ~~pharmacy technician or certified pharmacy technician~~ or uncertified pharmacy technician registration.

d. to i. No change.

ITEM 20. Amend **657—Chapter 3**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 147.72, 155A.23, 155A.33, and 155A.39 and Iowa Code ~~Supplement sections 155A.6 and section 155A.6A~~ as amended by 2010 Iowa Acts, House File 2531, section 112.

ITEM 21. Amend rule **657—5.1(155A)**, definition of “Pharmacy technician,” as follows:

“*Pharmacy technician*” or “*technician*” means a person who is employed in Iowa by a licensed pharmacy under the responsibility of an Iowa-licensed pharmacist to assist in the technical functions of the practice of pharmacy, and who is registered pursuant to 657—Chapter 3, and includes a certified pharmacy technician, a pharmacy technician trainee, and an uncertified pharmacy technician.